

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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TRUSTEES OF UNITED WIRE METAL AND :
MACHINE PENSION, HEALTH & WELFARE :
FUNDS and INTERNATIONAL BROTHERHOOD :
OF TEAMSTERS LOCAL 810, :
:

Plaintiff, :

-against- :

HUNTERSPPOINT STEEL COMPANY, :

Defendant. :
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MEMORANDUM & ORDER

10-CV-4671 (ENV) (RLM)

VITALIANO, D.J.

Plaintiffs, Trustees of United Wire Metal and Machine Pension, Health & Welfare Funds and International Brotherhood of Teamsters Local 810, filed a complaint against defendant Hunterspoint Steel Company on October 8, 2010. After defendant failed to appear or otherwise respond to the Complaint, plaintiff moved for default judgment on December 2, 2010. On January 6, 2011, the Court granted plaintiff's motion for default judgment and referred the action to Magistrate Judge Robert M. Levy to conduct an inquest.

Following a review of the relevant submissions, Magistrate Judge Levy issued a Report and Recommendation ("R&R") on May 6, 2011, recommending that judgment be entered against defendant in the amount of \$51,715.85, reflecting \$46,992.00 in unpaid benefit fund contributions and union dues, \$4,303.85 in interest on unpaid contributions, and \$420.00 in costs. No objections to Judge Levy's R&R have been timely filed.

In reviewing a report and recommendation, the court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. §

636(b)(1)(C). Moreover, in order to accept a magistrate judge's report and recommendation where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

After careful review of all the evidence in the record below, the Court finds Magistrate Judge Levy's R&R to be correct, comprehensive, well-reasoned, and free of any clear error. The Court, therefore, adopts the R&R in its entirety as the opinion of the Court. Accordingly, for the reasons stated in the R&R, the plaintiff is awarded \$46,992.00 in unpaid benefit fund contributions and union dues, \$4,303.85 in interest on unpaid contributions, and \$420.00 in costs, for a total of \$51,715.85.

The Clerk is directed to enter Judgment and to close this case.

SO ORDERED.

Dated: Brooklyn, New York
May 31, 2011

s/ENV

ERIC N. VITALIANO
U.S.D.J.